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REMARKS

By this amendment, claims 1-17 and 25-32 remain in the application. New claim 33 has been added.

In the Office Action, claims 1, 5 and 31 were rejected under 35 U.S.C. §102(e) as being anticipated by Frazier, et al (U.S. Patent No. 6,231,561). Claims 12, 15, 16, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frazier, et al in view of Andersen, et al (U.S. Patent No. 5,840,081).

The courtesy extended by Examiners Ann Schillinger and Corrine McDermott in the telephone Interview of March 5th with the undersigned is acknowledged with appreciation. During the Interview, the Frazier patent and independent claims 1 and 12 of the present application were discussed.

In accordance with the discussion in the Interview, claim 1 has been amended as suggested by the Examiners to recite that the valve is connected to the vascular device. This connection of the valve to the vascular device, as discussed, is in claim 12 as previously presented. As discussed during the Interview, Frazier mentions attachment of a mechanical heart valve, but does not illustrate or explain how this is achieved or used with his anchoring device. Frazier does not disclose inter alia a vascular device having a valve connected thereto which moves between an open position to allow blood flow therethrough and a closed position to prevent blood flow.

As further pointed out by the undersigned during the Interview, Applicants submit that the Frazier patent does not anticipate claim 1 because the vessel engaging members 90 of Frazier identified by the Examiner are deployed by proximal retraction of deployment wire 106 "which causes the tissue anchor 90 and introducer 96 to assembly to travel axially through the distal section 72." (col. 10, lines 38-40). Applicants submit that the Frazier anchors 90 do not engage the internal wall of the vessel upon expansion of the device to the second expanded position as recited in the claim.

Additionally, the undersigned pointed out that in Frazier the tissue is drawn in a closed fashion in response to "proximal retraction of the suture." (See col. 11, line 20-23). Thus, Applicants submit that Frazier's vessel engaging members do not pull the internal wall

of the vessel radially inwardly upon movement of the device from the second expanded position toward a first expanded position having a third diameter as recited in claim 1.

The clause of Frazier identified by the Examiner in the Office Action explicitly describes the need for a suture to pull the anchors together, in stark contrast to claim 1. Use of the term "upon" in the claim was discussed in the Interview. Note also, at the step of Figure 11 of Frazier, the closure catheter has been removed from the site.

Anderson was relied on for a heart valve prosthesis used with a balloon catheter to reject claim 12. Anderson however does not cure the deficiencies of Frazier as the combination fails to disclose inter alia a vascular device expandable to the second expanded position to cause engagement of the vessel walls and returnable substantially to the first position to bring the walls radially inwardly as the walls are pulled inwardly by the vascular device.

For at least the forgoing reasons, claims 1 and 12 are believed patentable over the prior art. Claims 5 and 31 and claims 15, 16 and 32 depend from claims 1 and 12, respectively, and are therefore believed patentable for at least the same reasons as claims 1 and 12 are believed patentable.

Claims 2-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frazier, et al in view of Flomenbilt, et al (U.S. Patent No. 5,876,434). Claims 6 and 8-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frazier, et al in view of Vazquez, et al (U.S. Patent No. 6,287,339). Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Frazier, et al in view of Wilson, et al (U.S. Patent No. 6,053,896). Claims 2-4 and 6-11 depend from claim 1 and are therefore believed patentable for at least the same reasons as claim 1. Further, none of these patents satisfy the deficiencies of Frazier. Consequently, even if these patents were combined as the Examiner suggests, the recitations of these claims would still not be met.

Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Frazier, et al in view of Anderson, et al in further view of Flomenbilt, et al. Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Frazier, et al in view of Andersen, et al in further view of Wilson, et al. Claims 13, 14 and 17 depend from claim 12 and are believed patentable for at least the same reasons that claim 12 is believed patentable.

Note that new dependent claim 33 depends from claim 12 and is believed patentable for at least the reasons that claim 12 is believed patentable. Further, the claim recites that deflation of a balloon causes the vascular device to return substantially to the first position. No such structure is taught or suggested in the prior art taken alone or in combination.

Claims 25-28 were rejected under 35 U.S.C. §102(e) as being anticipated by Bessler, et al (U.S. Patent No. 5,855,601). Claim 29 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bessler, et al in view of Wilson, et al (U.S. Patent No. 6,053,896).

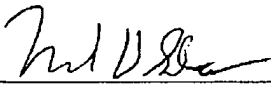
Claim 25, as amended, recites that the distal opening of the valve faces away from the longitudinal axis toward the vessel wall so that the opening is at an angle to a longitudinal axis of the valve when the valve is in the closed position. The Bessler valve has an opening aligned with the longitudinal axis. Consequently, Applicants submit that claim 25 is not anticipated by Bessler.

Claims 26-30 depend from claim 25 and are believed patentable for at least the reasons that claim 25 is believed patentable. Further, claim 28 recites that the valve is offset with respect to the longitudinal axis of the support structure, structure not found in Bessler.

Prompt and favorable reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

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